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An employee of a railroad company is bound to obey all reasonable rules. *Prather v. R. and D. Ry. Co.,* 80 Ga., 427. Thus, an employee obligates himself to observe and conform to the rules of the company according to the plain terms thereof, and not according to what may have been the customary practice among other employees, regardless of the express requirements of the rules. *Sordy v. N. Y., P. & N. Ry. Co.,* 75 Md., 297. It is no evidence of the waiver of any rule that the employees of the company were accustomed to act in disregard of it unless the officer charged with its enforcement was aware of such custom. *O'Neill v. The Keokuk & Des Moines R. R.,* 45 Ia., 546. Where the violation of the rule is relied on as a defense, it must be put forward by a special plea. But if rules and regulations established by the master are habitually disobeyed with the knowledge or express consent of the master, or have been disregarded without his express consent in such a manner, and for such a length of time, as to raise a presumption that the master must have been aware of such habitual disregard, and approved it, such rules and regulations must be regarded as abrogated. *Konold v. Rio Grande Western Ry. Co.,* 21 Utah, 379. However, knowledge that the rules were usually violated need not be shown by direct evidence, but may be inferred from circumstances, as from its notoriety, long standing, and that it was known to the company's employes. *Barry v. The Hannibal and St. J. Ry. Co.,* 98 Mo., 63. The claim that it was abrogated by acts of the employees, known to proper officers, does not affect the admission of the rule in evidence and merely constitutes defensive matter. *Ford v. C., R. I. & P. Ry. Co.,* 91 Ia., 179.

WILLS—ADMISSION TO PROBATE—EVIDENCE OF EXECUTION.—IN RE MORLEY'S (OR MARLEY'S) WILL, 125 N. Y. SUPP., 886.—*Held,* that where the circumstances surrounding the execution of a paper show that it was executed as a will, it may be admitted to probate against the testimony of all the subscribing witnesses, or on the testimony of one and against that of the other.

A will is entitled to probate where the attestation clause and all the surrounding circumstances show due execution. *Abbott v. Abbott,* 41 Mich., 540; *Webb v. Dye,* 18 W. Va., 376. While all the witnesses should usually be called to testify, it is never necessary that each be able to testify that all the formalities required for the attestation and execution were complied with. *In re Shapter's Estate,* 35 Colo., 578; *Newhouse v. Godwin,* 17 Barb., 236. Corroborating circumstances may show due execution in opposition to testimony of a subscribing witness, *In re Cottrell,* 95 N. Y., 329; *McCurdy v. Neall,* 42 N. J. Eq., 333, or of more than one or all the subscribing witnesses. *In re Jenkin's Will,* 43 Wis., 610; *In re Sizer's Will,* 113 N. Y. Supp., 210. It is the duty of the judge or surrogate to decide which testimony to believe, and admit or not admit the will accordingly. *Tarrant v. Ware,* 25 N. Y., 425, in note to *Trustees of Theological Seminary of Auburn v. Calhoun,* 25 N. Y., 422. The testimony of subscribing witnesses called to oppose execution will be received with suspicion. *McMeekin v. McMeekin,* 65 Ky., 79; *Lamberts v. Cooper's Ex'r,* 69 Va., 61. Especially if bias, prejudice, or interest on their part is

shown. *In re Buchan's Will,* 38 N. Y. Supp., 1124. A holographic will will afford strong presumption of due execution. *In re Stillman,* 9 N. Y. Supp., 446. The fact that a lawyer superintended the execution of a will will be strong evidence that the requisite formalities were complied with. *In re McKenna's Will,* 4 N. Y. Supp., 458. And the testimony of a lawyer as a subscribing witness will be strong against that of opposing subscribing witnesses. *In re Nelson,* 141 N. Y., 152; *Egan v. Pease,* 4 Dem. Sur., 301 (N. Y.). As is seen, much of the law on the subject is found in the State of New York decisions.